IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 192 of 2005

Vipin Kumar Malhotra
S/o Shri Subhash
R/o West Patel Nagar
New Delhi ……Applicant

Versus

1. State of Uttaranchal
2. Harish Kumar
S/o Shri Narendra Kumar
R/o 391 T, Tin Market,
Sadar Bazar,
Delhi ….Opp. parties

Sri V.B.S. Negi, Sri Anurag Tomar learned counsel for the applicant
Sri G.S. Sandhu, learned counsel for the State.

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr.P.C. has been filed by the petitioner for quashing the proceedings in complaint case no. 283 of 2003 Trilok Chand Vs. Vipin Kumar Malhotra and others pending before the court of IInd Special Judicial Magistrate, Haridwar.

The grounds enumerated in the petition are that the facts and circumstances against both the persons, i.e., Bipin Kumar Malhotra and the other co-accused Harish Kumar who has already been discharged by the court below vide order dated 31.07.2004, are similar and the applications now moved by the petitioner before the court concerned are not being decided.

I have heard learned counsel for the petitioner and learned A.G.A. and perused the record.

It appears from the perusal of the record that the petitioner filed applications before the court below on 15.12.2004 and thereafter on 15.03.2005 but no order has been passed by the learned Magistrate as yet.

At present, I do not find any serious miscarriage of justice and abuse of process of court. It is the prerogative of the learned Magistrate to decide the application filed by the petitioner before the same.

The petition being devoid of any merit is accordingly dismissed.

However, I direct learned Magistrate to decide the application of the petitioner in accordance with law which was filed by him on 15.12.2004 and 15.03.2005 expeditiously, preferably within a period of three weeks.

(B.C. Kandpal, J.)

7th April, 2005
Shiv